

REMARKS

The Applicants have carefully reviewed the Office Action mailed March 6, 2008 and offer the following remarks.

Claims 1-31 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 12 of U.S. Patent No. 7,181,243 in view of U.S. Patent Application Publication No. 2004/0266356 A1 to *Javor et al.* (hereinafter "*Javor*"). The Applicants will address these rejections when the Patent Office indicates that the claims in the present application include allowable subject matter. The Applicants reserve the right to file a terminal disclaimer, to distinguish the cited references, or to otherwise address the provisional obviousness-type double patenting rejections at a later time.

Claims 1-3, 6, 7, 11-13, 16-18, 21, 22, 26-28, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,125,109 to *Fuerter* (hereinafter "*Fuerter*") in view of U.S. Patent No. 7,069,051 B1 to *Katz* (hereinafter "*Katz*") and further in view of U.S. Patent Application Publication No. 2003/0148747 A1 to *Yamamoto* (hereinafter "*Yamamoto*") and *Javor*. The Applicants respectfully traverse the rejections.

According to Chapter 2143.03 of the M.P.E.P., in order to "establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." The Applicants submit that neither *Fuerter*, *Katz*, *Yamamoto*, nor *Javor*, either alone or in combination, discloses or suggests all the features recited in claims 1-3, 6, 7, 11-13, 16-18, 21, 22, 26-28, and 31. More specifically, claim 1 recites a method for combining signals comprising, among other features, "receiving a second receive signal that is different from the first receive signal and centered about the first center frequency" where the first receive signal is centered about the first center frequency. Claims 16 and 31 include similar features. The Applicants submit that none of the references, either alone or in combination, disclose or suggest receiving a second receive signal different from a first receive signal from a second antenna where the first and second receive signals are centered about a first center frequency. As correctly pointed out by the Patent Office, *Fuerter*, *Katz*, and *Yamamoto* do not disclose this feature.¹ Similarly, *Javor* does not disclose this feature. Nevertheless, the Patent Office supports the rejection by stating that claim 14 of *Javor* discloses receiving a second receive signal different from a first receive signal from a second antenna, where the first and second receive

¹ See Office Action mailed March 6, 2008, page 10.

signals are centered about a first center frequency.² The Applicants respectfully disagree. While claim 14 of *Javor* does disclose receiving a second signal different from a first signal, the cited portion does not disclose that the first and second signals are centered about a first center frequency.³ Moreover, the Applicants have reviewed the remaining portions of *Javor* and submit that nowhere does *Javor* disclose or even suggest this feature.

The Patent Office responds to this line of reasoning by arguing that “*Fuerter* teaches a second receive signal centered about the first center frequency (see rejection for further explanation). *Javor* is used in combination with *Fuerter* to clearly teach a second receive signal being different from the first receive signal.”⁴ The Applicants respectfully disagree that the *Fuerter* discloses a second receive signal centered about the same center frequency as a first receive signal. Instead, *Fuerter* discloses that antennas 16a-16n receive the same signal 12.⁵ At the very most, *Fuerter* discloses that the signal 12 consists of signals 12a-12n.⁶ However, the signals 12a-12n are still part of the same signal and only differ in that they have different amplitudes due to propagation effects and decorrelation effects.⁷ Nevertheless, the signals are all still part of a single signal. Thus, *Fuerter* cannot disclose two separate and distinct receive signals, which are centered about the same center frequency. Similarly, *Javor* does not disclose this feature. Instead, as discussed above, *Javor* only discloses receiving a second signal, which is different from a first signal. As such, claims 1, 16, and 31 are patentable over the cited references and the Applicants request that the rejection be withdrawn. Likewise, claims 2, 3, 6, 7, 11-13, 17, 18, 21, 22, and 26-28, which variously depend from claims 1 and 16, are patentable for at least the same reasons along with the novel features recited therein.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicants’ representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

² See Office Action mailed July 13, 2007, page 11; and Office Action mailed March 6, 2008, page 10.

³ See *Javor*, page 4, ll. 21-22.

⁴ See Office Action mailed March 6, 2008, page 12.

⁵ See *Fuerter*, col. 3, ll. 16-18.

⁶ See *Fuerter*, col. 3, ll. 24-25.

⁷ See *Fuerter*, col. 3, ll. 13-28.

Respectfully submitted,
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